# TOKES' THIRD TRIAL.

nclusion of the Summing Up for the Defence.

District Attorney Phelps Opens for the People, but Has Not Closed at the Adjournment.

ANOTHER DAY OF SUSPENSE TO STOKES.

Able Arguments of Counsel For and Against.

The Judge to Charge and the Case To Be Submitted to the Jury To-Day.

### EIGHTEENTH DAY.

Yesterday the court room of Over and Terminer was more densely througed than any day of the present trial, and in this respect paralleled if it did not outdo even the closing days under similar circumstances of either of the other two trials. For a time the Court officers endeavever-increasing crowd, but it was in vain, and there was thing for them to do but give way and present the im passable barrier of the people themselves, jammed in the doorway, and far back into the court room of General Term, against any further entrance into the desired presence of the Court where the Judge and jury and counsel and defendant were all enacting the solemn drama of the hour. It was the most exciting as it was the most serious day of this protracted trial, three times now before the public, and none seemed inclined to leave their seats, even when a recess offered an opportunity therefor. None but the privileged few-the Judge, jury, counsel and the prisoner himself-enjoyed the half hour's relaxation which the recess offered, the members of the press even keeping their seats and communicating with their various offices by special messengers who carried the reports of the proceedings at short intervals to be published in the evening editions. Stokes stood the or-deal of the day with his usual nerve and unfilnehing demeanor; and, if anything could tend to sustain him therein, it was the eloquent appeal of his able counsel (Mr. Tremain) to the jury, who were so soon to pass upon his guilt or innocence. But every case has its two sides; and when Mr. Phelps, the District Attorney, prose-cuting for the people, presented the points upon which the prosecution rested, and answered opposing counsel pressed their force and weight upon the jury, it was evident that, after all, upon the charge of the Judge upon the law of the case, and his résumé of the facts as elicited from the witnesses for and against, and the weight of the

charge upon the jury's mind. Stokes' fate rested.

Mr. Pheips made a very able address during the time he occupied the attention of the Court, but he had not closed when the Court adjourned. The case will be resumed and closed to-day.

#### Yesterday's Proceedings.

CONTINUATION AND CLOSE OF MR. TREMAIN'S ADDRESS.

Mr. Tremain resumed his address yesterday morning immediately after the Court was opened, taking up his argument where he had rested at the adjournment on the previous day. He spoke at considerable length on the nervous fears and apprehensions of the prisoner, as, in case the jury believed in the existence of them, effectnally sweeping away every idea of manslaughter or murder. The prisoner and the man he feared met unexpectedly, and, acting on the principle of self-defence, the

nsel read an extract from Cicero, in which he culo gizes the law of self-defence implanted in every man's breast. He also read to the jury an extract from one of the elementary legal books, proving it to be incorporated into our common law. Mr. Dos Passos then read the

statute of this State codifying these principles.

Mr. Tremain then proceeded to consider the prisoner's testimony in his own behalf. He said the prisoner was under a moral coercion to go upon the stand and explain us motives in entering that house. The law makes him a competent witness. He voluntarily took the stand, laid his character open to attack, and he left that chair with a character as unimpeached as that of the District with a character as unimpeached as that of the District Attorney. Then his story is corroborated in almost every particular along the whole line. It was proved that he labored under nervous fears; that he heard Fisk's threats to rairoad him and to wipe him out, and he know the power and vindictiveness of his enemy. Thus fortified by so many witnesses, he tells how he entered the hote!. He tells how he went inside, and no stairs to see that woman who was looking out of the window; how he was coming back, when

the window; how he was coming back, when strongers and is in the act to strongers are strongers, and is in the act makes and a catting apon his fears and excitements in a state of bewinderment, excitement, almost of insanity—hay, of insanity itself—he goes along the hall crying out to every one he met, "There's a man shot, go and get a doctor." The prisoner was entitled to take into account Fisk's character as known to him. He was a man of lewd and locse associations, a vengeful, desperate dangerous man, who was known to have instigated the attack on Mr. Eaton; an unscrupulous man, as the great railway men who knew him all testify. Not one witness came forward to testify to any good qualities in Fisk; to say that he was kind, gentle, such a man

have instituted the attack on Mr. Eaton: an unscrupnious man, as the great railway men who knew him all testify. Not one witness came forward to testify to any good qualities in Fisk; to say that he was kind, gentle, such a man

As would sheller from the track of Stokes. To Stokes he was the man who said his touch was cold and claiming as the grave, and that he threatened to serve him as he served Eaton. He was the man who had boasted of his control over the courts, who drives through the streets with his harlots by his side. The District Attorney thought it strange that Stokesshould know these women to be Flak's mistresses. When counsel was in Florence he was pointed out the carriages of Victor Emmanuel's mistresses. He asked his informant, "Come now, how do you know them to be mistresses?" the reply would be, "Why, everybody in Florence knows that," and the vindeation would be complete. Flak was the man who ran the Brie Railway, with its hundreds of millions of capital. He was the man who wore the admiral's cocked hat, and, not satisfied with that, when he thought it necessary for his purposes, the power that makes colonels made him a colonel, and he rode on horsehack, with a thousand mustels at his back. "Oh, he was a coward!" says the District Attorney. "He would run away from a pistol." Plat a commertary on the wight way of the Night and the mention of the Night regiment of the Night regiment, who rathed him of his property and business. It was the agont of Fisk who introduced the prisoner to the woman Mansfield. Unfortunately, the jeniousy of Fisk was aroused, and then commenced a series of persecutions against the prisoner which are unparalleled. Fisk was the min of his property and business. It was the agont of Fisk who introduced the orisoner to the woman Mansfield Unfortunately, the jeniousy of Fisk was aroused, and then commenced a series of persecutions against the prisoner which are unparalleled. Fisk was chafing under the suit brought again, and said it was significant that the conclimate when the

SOURS WAS INSARE;
that he was insane upon a particular point; that if Pisk's attitude and conduct and disposition towards him, and his actions on the size were not as the prisoner has sworn, then Stokes what were not as the prisoner has sworn, then Stokes what a monomaniac, that if there was no pistol in Pisk's hands a monomaniac, that if there was the prisoner has the prisoner has to be supposed to the prisoner has to whether Fisk had not a pistol hot if Stokes did not, as he says he did, see a pistol in his enemy's hand, he was insane, and on this point the lury had it in evidence that stokes was apprehensive of the evil intentions and power of the great Pisk, to whom the door so of the Grand Jury room were thrown open when he came with additional evidence from the siums and houses of pollution to railroad Stokes to prison. Numerous respectable witnesses proved that the prisoner was going about everywhere expressing his fears. In this state he suddenly encounters he enemy on the stairs, sees, or thinks he sees, him draw a pistol, and crying out. "Don't fire," he draws his pistol and shoots his assailant; then, excited and bewildered, he trust box telling every one he met that a man was shot, and asking them to get a factor. And wow, in conclusion, continued Mr. Tremain, I subreit that I have proved the existence of a reasonable doubt on all of the four questions, although if out one it would be enough, namely—whether the prisoner inflicted.

on one it would be enough, namely—whether the prisoner indicted

ANORYAL WOUND FROM WHICH FIRST DIED;

whether he killed him with murderous intent; whether
the killing was not justifiable or excusable homicide, and
whether the prisoner was in such a condition of
mind as not to understand the nature of his act.
In the name of the law, and of the oaths you have taken,
I ask, demand the acquittal of the prisoner. I know
the power of the District Attorney, and with what
effect he wields the artiller y of the law against this
affenceiess young man. The se words I now litter are
the last that shall be recorded; in his behalf on earth. I
know the power of the District Attorney, but there is
one thing he can never do, the can never breathe the
breath of life into the corrupt and perjured nestrils of
shomas Hart. Gentlemen. I thank ood by the new ey-

dence we have been embled to give you. Things now appear in a better and clearer light. The day and hour will come when the prisoner's innocence shall be established, and that hour is near at hand. Oh, gentlemen, he merciult: Do not lefter sword of justice there counsel was inaudible for some minutes to all except the jury). Gentlemen, he comes to you from the prison in which he has been confined nearly two years, with hair prematurely gray, condemned to die, and yet living. Spare him, gentlemen. It is the least measure of justice you can give him. I hope that no such sad fortune awaits as that I shall again he compelled to witness a scene like that of twelve o'clock. I saw twelve men sit where you now sit and heard the terrible words. Guilty of murder in the first degree, 'and heard such a heart-rending, heart-bursting cry come from the lips of that affectionate size trith at tremains imbedded in my heart and imprinted on my memory and still lingers in my ears. Oh, I hope to be present at a scene of another description, when the prisoner's innocence has been vindicated, and it will be said that he is no murderer, and your verdict shall send him out a free man from this court house to live a life of honorable usefuiness, and prove that you have pronounced a verdict of truthfulness in saving Edward S. Stokes from the period of an infamous death.

DURING BECESS. ce we have been enabled to give you. Things how ear in a better and clearer light. The day and how the prince of the prince of the day and how

Very few left Couri during the recess, and that part of the room where the ladies sat was like a railroad re-freshment room, there was such a vigorous consumption of sandwiches and candy.

### After Recess.

After Recess.

MR. PHRLES SCHRING UP FOR THE PROPLE.

District Attorney Phelps commenced to sum up in behalf of the people. He set out by a complimentary allusion to the eloquent speech of counsel for the prisoner. He said: But there were some things in the argument of my learned friend which were not so becoming the piace and the occasion—assault upon everyone connected with the prosecution. He has heaped from the piace and the occasion—assault upon everyone connected with the prosecution. He has heaped from the prosecution of the city to that poor frish lad whose sex I may congratulate the counsel that he has despected with stainless honor over the principal criminal courts of the city to that poor frish lad whose sex I may congratulate the counsel that he has this case if may congratulate the counsel that he has his covered new things upon earth, for to his vision, to the heated imagination, all things seem to have passed away, and to have been succeeded by new things.

And delineated for use new heaven and a new earth: an earth in which the crime shall be not to do a murder, but to see it may be never the principal criminal to see the magistrate shall be admitted, to which no proceeding officer, young or old, who acts from a sense of push they, shall gain an entrance, but a heaven hinges turning, are to fall open at the touch of a Congressmal Cooney, and the marriyrs headed by Logan, the ex-policeman. For one whole day have been poured into your unwilling ears to rrents of caunication and visuperation such as I have never seen equaled or approached. The learned gentleman is discussed in the such as the country has been and convery and the marriyrs headed by Logan, the ex-policeman. For one whole day have equaled or approached. The learned gentleman is discussionated the endotes from the Bible, and he has it writen down. He is eloquent; your hearts have feelt it; then why all this except that my learned urother, eloquent and distinguished as he is, has felt himself so hemmed in by the law and by the facts in

Phelips then spoke of the solemn duty devolving on the prosecuting officers, who were private citizens when the crime was committed, and of the duty devolving on the jurors. He referred to the rumors about the conduct of counsel and of the furors, but said he would not discuss them. The responsibility now resting on the jury, he said, is one most grave, because it brings the jury face to face with the question whether the gilded hand shall push back justice, and crime be shielded by trade of an professor's shall seem to be shielded by trade of an professor's shall seem cover quence of his crime. The defences to this indictment may be dealt with under three heads:—First—It is contended that the killing was done in self-defence; that it was the doctors who killed him; and that he was insane. Taking up first the defence of insanity, counsel said there was absolutely no proof of that disease of the mind which prevents a man from judging of the nature of his acts—nothing but the evidence of the prisoner's parents, who could not believe that their son was in his right mind when he committed the crime of murder, and such a defence was nothing else than an unblushing imposition on the intelligence of the jury. Then as to cause of death, the wound was a mortal wound, because the man died of it. Only ten per cent of such wounds ever recover. A few wonderful cases of recovery, exceptions to prove the rule, were paraded before the jury in illustrations in the Surgeon General's circular. It it was not the rule that people die who are so wounded they would not parade these few noticed that not one of these cases was one of such laceration as the wound inflicted upon James Fisk. So uangerous was that wound considered that even before they and other than the surgeons concurred in recommending him to make his will. They all others are all the section of the contents of an another than the surgeons concurred in recommending him to make his will. They all of the point when it was a penetrating wound of the abdoment, the surgeons

"There is a man shot there—go for a doctor." He is arrested, brought before Fisk, who identifies him as the man who shot him. Stokes at this answers nothing. The dumb would have spoken under these circumstances.

Mr. Pos Passos—Counsel knows that if he did say anything it wouldn't be received in evidence.

Mr. Phelps—It would be the spontaneous outburst of of his heart. Was he there to calculate chances, and had he ascertained his rights? Ha! he was "bewidered," but he could choose the most suitable spot in that house and shoot twice with unerring aim with his gloved hand, drop the smoking pistol, retain his cane in his hand and select for his point of exit the rear entrance, where he would be likely to meet lew. With an affected air of indifference if he had got, as he well might, into the street, he might have found his friend Balley two blocks away, and be the most surprised man in the city when he heard of the murder. Counsel says it was a public place for a murder. But the great and good President who led us through the war was nurdered in a theatre, and that place was selected by a man of boldness and shrewdness as the best and safest. For motive, there was the feeling that, as his own counsel says, he was deprived of character and property by Fisk. The next element is opportunity. And there he was with his ready pistol in his outer packet, in broad daylight, in a public place, after parting from his friend. Not only weapon but vantage ground was his, the top of the stairs, where he was safe from attack; and more than that, the place was one where Fisk might be expected, and where the prisoner might not be expected; and add to this, flight when the deed was done, and silence, when, if innocent, every motive would prompt him to speak. Thus, even treated by the prisoner's sfory, the defence is intrinsically improbable, even without applying to it the ruiss of interior might not be expected; and add to this, flight when the deed was done, and silence, when, if innocent days, the tries of the paper in her hou

# IS JUSTICE BLIND?

ng facts which qualify them for witness In this instance the mere fact that a lady was stopping at the Grand Central Hotel, in company with her brother and son, for some days preced-ing and subsequent to the shooting of Pisk was made the ground for a most shameful intrusion into her house and rooms, and a humiliating commit ment, after it was too late to obtain ball, to the House of Detention. The people are still inquiring why this witness was not subpænaed to ap pear on trial when she is under \$5,000 bail. This query prompted the sending of a representative of the Herald to the residence of Mrs. Minnie J. Benton, No. 576 Lexington avenue, with a view to ascertaining the grounds for her arrest and the identification of her name with the trial of Edward S. Stokes.

Mrs. Benton was found at her residence as above, where she has been living for nearly two years, and where she says she was to have been found at the time of both the previous trials. The name of the lady, with her address, appears in the "City Directory." She resides with her mother and brother, without any attempt at display further than is warranted by the enjoyment of such comforts as any one with means can be expected to possess. Mrs. Benton received the HERALD representative courteously, and the following conversation occurred :-

THE DISTRICT ATTORNEY CENSURED. "Have you been subpænaed to appear in the trial of Edward S. Stokes ?" inquired the Herald reporter, "and if so, what excuses have been offered

"I have not been subpænaed at this or any previous trial," replied Mrs. Benton. "I never have declined to serve as a witness, as has been charged, because I never have been asked to go. know little about the case, and what I do is in Stokes' favor. My family and friends feel very much mortified by the attacks which have been made upon me, which are as unkind as they are untrue, and they one and all seriously censure the District Attorney for the unusual and extraordinary course he has pur-

all seriously censure the District Attorney for the unusual and extraordinary course he has pursued."

A VICTIM OF CIRCUMSTANCES.

"Did you ever board at the Southern Hotel, as has been asserted?" asked the Herald man.

"I never did; scarcely know that there is such a hotel," replied Mrs. Benton.

"Have you any objections to stating how your name became associated with the trial?"

"None in the least. I had secured this property and was staying at the Grand Central Hotel, with my brother and son, while this house was being put in readiness for us. I was not in the house at the time of the homicide, and know absolutely nothing of my own knowledge concerning it. I returned soon after, however, from this house, where I had been superintending the workmen and scrubbing women, and was met in the hall by a little girl, whom I afterwards ascertained to be Miss Morse, and was told by her that Fisk had been shot. I did not know, neither did she say how bad, and I did not liner from the girl's manner that it was serious. I occupied the suit of rooms with parlor No. 320. Mr. Powers is mistaken when he says I came in and went up by the elevator. I went to the second floor by the stairs; did not use the elevator on that occasion. I remember it distinctly, for I had been around in the dust which is attendant upon all housecleaning, and I hurried to my room to change my clothes."

"I only knew Fisk by sight, but had never, to my knowledge, ever seen Stokes," replied the lady.

"I should like to hear your story of the arrest."

"The dates are all matters of record," replied the lady, "so I shall not bother with them. My servant came to tell me about two o'clock one alternaon that a gentleman was at the door, who wished to see me privately. I told her to say to the caller that Mrs. Benton did not see any gentleman horivate. He tain down to rest, I declined to go down stairs. He then, with several deputies, took charge of the house. My brother came home soon afterward. He said that the man down stairs was Inspector Dilkes, and t

large blue piece of paper, on which it was written that the officer should

PRODUCE ME DEAD OR ALIVE

before Superintendent Matsell. Inspector Dilkes said that he proposed to stay in my bedroom all night. I told him that I was armed and that neither he nor any other man could come into my chamber. After the arrival of an additional force, the men were distributed around on the floor, in front of all the doors, very much as the roughs at the Grand Opera House kept guard over the Erie offices on the memorable night of the fall of the Gould dynasty. I believe there were seven in the house. I went down the next morning. When I drove to Police Headquarters, I met District Attorney Pheips, who laid himself out to do the polite, but he did not impress me, as I have seen men ever since I was young. Detective Tully so far presamed on my acquaintance as to introduce me to Assistant District Attorney Russell, and the latter said, in a most matter-of-course way, "So you are the lady who picked up the black-handled pistol?" I merely replied that there was No BLACK-HANDLED PISTOL.

There was only one, and it was a white-handled weapon. I was taken to the House of Detention, at hall-past six o'clock in the evening, on

There was only one, and it was a white-handled weapon. I was taken to the House of Detention, at half-past six o'clock in the evening, on Tuesday, and remained there until Wednesday afternoon. I had relatives who would have bailed me, but District Attorney Russell insisted upon lorcing upon my notice persons whom I had never met nor even heart of. These were De Witt Cliaton Wheeler and Mr. Shafer. He went so far as to send a note to Mr. Wheeler. Assistant District Attorney Lyons said, Piease give me a certified check for \$5,000. I told him that I did not confide my money matters to any one, and certainly would not trust him. He then asked me if I owned my house, and ne was politely informed that it was none of his business. Assistant District Attorney Lyons used to be a policeman in New Orleans; but he had changed very much since then, for on this occasion he was got up as faultless as George De Vere in Divorce. He was throwing his limbs around most beautifully."

ATHREAT OF VENEGEANCE.

"Were you ever engaged in the looby at Washington?"

"I used to visit the capital with my husband; I

ton ?"
"I used to visit the capital with my husband: I "I used to visit the capital with my husband: I do not know Mr. Thomas Scott; never saw him and never had any negotiations with him; I never was known by the name Shotwell; I never was interested in any beef packing scheme in Texas or anywhere else."

"Has any apology or excuse been offered you for this arrest?"

"None whatever; I have already secured two lawyers and shall retain others prior to beginning a suit to test the rights of a citizen of New York."

# STOKES TO BE SAVED.

Startling Developments Regarding the

The city was yesterday startled in certain circles, where the mysteries of crime develop themselves into a substantial form, that there was likely to occur remarkable developments in the trial of Stokes. Rumor, with her busy tongue, was very active. To separate this rumor from fact was the duty of a reporter of the HERALD, and the result of his inquiries substantiate the truth of the proverb that "where there is smoke there must be some fire," The District Attorney, in his opening address to the jury, was sufficiently impressed with this fact to pointedly and emphatically direct their attention to the existence of this rumor. It has since been ascertained that he had good reason for doing so, and his observations were made on the consciousness of the possession of information which he had thought it his duty to verify before the address was delivered. It is openly stated that one juryman has expressed in public rooms in the city, while virtually in the care of deputy sheriffs, his opinion as to the verdict that he and his fellow jurymen should agree upon. By the kindness of the Court he has been allowed an opportunity to IS JUSTICE BLIND?

Singular Developments and Revelations in the Stokes Trial—A Woman's Vengeance—An Explanation of the Mysterious Absence of an Important Witness—Is Stokes To Be Saved?

The approaching termination of the Stokes trial recalls to the minds of many readers of the Herald the stories lately current regarding the mysterious lady who, at the instance of the District Attorney, was dragged from her home, taken before the Superintendent of Police and committed to the House of Detention, only to be subsequently discharged; and the wonder grows regarding the non-appearance of this very important witness. Some even go so far as to assert that a desire to win a trifle of public favor at the expense of a defenceless woman may have prompted this apparently uncalled-for outrage on

THE RIGHTS OF A PRIVATE CITIZEN.

The average intellect begins to calculate the result of a policy which permits the arrest and subsequent detention of persons suspected of pognitive action. There has been more than an intimation in the same direction that more substantiated that there was not a mutual understanding as to the character of the verdict that was sworn to be truly delivered.

# MARYLAND JOCKEY CLUB.

Wind-Up of the Annual Racing Meeting at Baltimore.

Fine Attendance and Interesting Events.

McDaniel's Asteroid Colt the Winner of the Dash of One Mile, Bessie Lee of the Two-Mile Heat Handicap, Artist of the Mile Heats and Duffy of the Steeplechase Post Stakes.

BALTIMORE, Oct. 28, 1373. This the last day of the racing meeting of the Maryland Jockey Club was more numerously attended than any that had preceded it. The morning was fair, but threatening clouds made their appearance in the afternoon, indicating wind and rain. We had a little of the latter and too much of the former, making the closing hours of the day very uncomfortable. Yet the races were enloved, and the attendants at the course returned to their homes satisfied with everything they had seen. Four races were on the card—the first a mile dash for two-year-olds, the second a two mile heat handicap; third, the Consolation Purse, mile heats, and the fourth a steeplechase Post Stake.

DASH OF ONE MILE. The first race was for a purse of \$400, for two-yearolds, one mile, for which were entered J. T. Cham berlin's bay colt Visigoth, by Asteroid, dam Vandalia ; A. B. Lewis & Co.'s bay filly Vandalite, by Vandal, dam Vesper Light; A. D. Brown's bay coit Paladin, by Learnington, dam Garland: D. McDaniel's bay colt, by Asteroid, dam Sue Washington; Joseph Donahue's chestnut colt Dublin, by Kentucky, dam Zaidee, and Stanley Rogers' bay filly Bettie Clap-ham, by Master Lightfoot, dam Lucy Haxall. McDaniel's entry was a great favorite over any named colt, Dublin being second choice and Vandalite the third.

THE BACE. Visigoth was first away, Vandalite second, McDaniel's colt third, Dublin fourth, Paladin fifth, Bettie Clapham sixth. They were very close together going around the upper turn to the quarter pole. Dublin went to the front, McDaniel's colt second, Vandalite third, Visigoth fourth, Paladin fith, Bettle Clapham sixth. They passed the quarter pole in this order, and without change of place went to the half-mile pole. Around the lower turn McDaniel's colt ran to the front, and was a neck ahead of Dublin at the three-quarter pole. He led up the homestretch, and landed a winner by two lengths, Dublin second, Vandalite third, Paladin fourth, Visigoth fifth, Bettie Clapham far behind. Time of the mile, 1:56, which was capital time on a track that resembled a quagmire. It could not have been worse than on this occasion.

PINLICO COURSE, BALTIMORE, MD., OCT. 28.—
POURPI AND LAST DAY OF THE ANNUAL RACING MEETING OF THE MARYLAND JOCKEY CLUB.—FIRST RACE—Purse of \$400, for two-year-olds; winner of the Central Stakes excluded; dash of one mile.

D. McDamiel & Co.'s b. c., by Asteroid, dam Sue Washington.

Washington
Joseph Donahue's ch. c. Dublin, by Kentukey,
dam Zaldee.

A. B. Lewis & Co.'s b. L. Vandalite, by Vandal, A. D. Brown's b. c. Paladin, by Learnington, dam John F. Chamberlin's b. c. Visigoth, by Asteroid, dam Vandaha. Stanley Rogers' b. f. Bettie Chapham, by Mas-ter Lightfoot, dam Lucy Haxali.....

soid Stockwood had the call, Shylock second choice.

Allie Hunt had the best of the send-off, Stockwood second, Shylock third, Bessie Lee fourth, Cora Linn fith, Chickanldy sixth. Going around the upper turn Cora Linn ran to the front, Stockwood second, Allie Hunt third. Bessie Lee fourth, Shylock fifth, Chickablddy trailing behind. At the half-mie pole Cora Linn led two lengths, Stockwood second, Allie Hunt third, Bessie Lee fourth, Shylock fifth, Chickablddy sixth; but so close together that those behind Cora Linn had no daylight between them. At the three-quarter pole Cora Linn was a length in front, Stockwood second, Alia Hunt, Bessie Lee ond, half a length ahead of Allie Hunt, Bessie Lee

onth, Shylock firth, Chickabiddy sixth. The horses worked away through the mud on the extreme of mode, and as they passed the stand showed the way by a length, Stockwood second, one length ahead of Allie Hint, who was two lengths in advance of Shylock, the latter half a length ahead of Bessie Lee, Chickabiddy sixth. Cora Linn still led around the upper turn, and at the quarter pole she was a length in front of Stockwood, Allie Hunt third, Shylock louth hessie Lee entht, Chickabiddy sixth. There was no daylight between any of the horses. As they ran down the backstretch they became bunched, and as the quarter pole she cora was but a short length ahead of all the others. Chickabiddy showed in front as she entered the homestretch, and, coming away, won the heat by three lengths; Bessie Lee second, three lengths in front of Cora Linn, Shylock fourth, Stockwood Afth, Allie Hunt sixth. Time of the heat, 4:05%.

Second Heat.—Otherhaliddy was then the favorite over the field. Cora Linn was first away to a strage strage of the cora lengths behind. Going around the lower lengths behind. Going around the upper turn Allie Hunt went to the front, followed by Bessie Lee second, Cora Linn hird, Chickabiddy ourth, Shylock fifth, Stockwood a long way off. They passed the quarter pole in the order given. Allie Hunt and Bessie Lee ran away from the others on the backstretch and around the lower turn. As they passed the three-quarter pole in the order given. Allie Hunt was six lengths ahead of Cora Linn, Allie Hunt was six lengths ahead of Cora Linn, Allie Hunt was six lengths ahead of Cora Linn, the latter lour lengths fourth, Shylock fifth, Stockwood and head. Hessie kept up a good rate of speed around he lower turn, and came into the homestretch in the classification of the character of the was a length of the quarter pole. Bessie kept that distance in front all the way around the infra mile and as soon as she en

was a big favorite over the field in the pool sales, in one of which he brought \$200 and the field \$35. Lady Clyde and Tom Boston were withdrawn. Merodac won the first heat. As none of the horses were ready but Artist and Merodac when the bell called them for the second heat, these two were sent away for the money without the others. Artist won the second and third heats and the race.

\*Not ready when the bell runs.

THE STEPPLECHASE POST STAKES.

The fourth and last race of the meeting was a steeplechase post stakes, \$25 entrance, pay of play, the club to add \$750, of which \$600 was given to the first, \$100 to the second and \$50 to the third horse, the distance being about two miles and a half. For this event there came to the post D. J. Bannatyne's brown gelding Duffy, by Hunter's Lexington, dam Ollo, aged, 155 pounds; Jordan & Maule's bay gelding Prince of Wales, by Chevaller d'industrie, dam Tension, 7 years old, 155 pounds; Joseph Donahue's chestnut gelding, George West, by Asteroid, dam Kate Hayes, 4 years old, 154 pounds; George Ayres' bay horse Uictor, by Uncle Vic, dam Salle Russell, 4 years old, 148 pounds, and George Ayres' brown horse Blind Tom, by Star Davis, dam Margravine, aged, 158 pounds. Duffy had the call on pool sales, Blind Tom being the second choice. . Not ready when the bell rung.

165 lbs. eorge Ayers' br. h. Victor, 4 years old, by Uncle Vic, dam Sallie Russell, 148 lbs. de not taken.

#### DEERFOOT DRIVING PARK.

First Day of the Second Fall Trotting Meeting-Good Attendance and Interesting Events-Sterling the Winner of the 2:50 Purse-The 2:38 Race Postponed After Four Heats. The attendance at Deerfoot Driving Park yester-

day afternoon afforded much gratification to Superintendent McMahon, as it was convincing proof that his efforts to keep pace with the times in the matter of developing the speed of trotting horses by offering liberal purses late in the season were fully appreciated by turfites. It was the opening day of the second autumn meeting, and all the old faces that are usually noted where important events are occurring were seen about the grounds. Notwithstanding the storm of Monday the track was in fair condition. There were two events on the cards, the first being a purse of \$200, for horses that never beat 2:50, mile heats, best three in five, in harness; \$100 to the first, \$50 to the second, \$30 to the third and \$20 to the tourth horse. This had fourteen entries, five of which only came to the pos., these being Charles Piatt's chestnut gelding Sterling, L. S. sammis' sorrel gelding Farmer Boy, Israel Denton's bay gelding Joe Platt, J. H. Paillips' brown gelding Phil O'Nell, Jr., and L. Devoe's bay gelding Tommy Moore. The gelding Sterling, fresh from his recent laurels at the Prospect Park Fair Grounds, was the favorite before the start over the field at \$25 to \$7. He won the race in three straight heats. Farmer Boy took second prize

straight heats. Farmer Boy took second prize and Joe Platt third money. Phil O'Nell, Jr., and Tommy Moore were distanced in the first heat. The following is a SUMMARY.

DEERFOOT DRIVING PARK, NEAR BROOKLYN, L. I., October 23, 1873.—Purse of \$200, for horses that never beat 2:50; mile heats, best three in five, in harness; \$100 to the first, \$50 to the second, \$50 to the third and \$20 to the fourth horse. Judges—George W. Oakley, Edward White and William A. Rosecrans.

Gen Mace's s. in. Fainne
Owner's tor. m. Bessie
E. E. Carpenter's. bik. g. Jim
P. Manee's b. m. I Guess So
T. O'Connor's gr. g. Dawn
Mike Rogers' s. g. Tom Steel
C. F. Hill's w. g. Jack Frost

Wilham McCarty's b. g. Huskey Boy.... dr.

TIME.

Quarter. Half. Mile.

Pirst heat. 40 1:21 2:4434
Second heat. 3934 1:18 2:4234
Third heat. 4034 1:20 2:4014
Fourth heat. 4034 1:20 2:4014
Fourth heat. 50-DAY'S AMUSEMENT.

Resides the concluding heat or heats of the postpomed 2:38 contest there will be decided to-day the
purse for 2:42 horses, which has sixteen entries,
and the 2:34 class, with twelve entries. It should
be an occasion of much interest.

The Coney Island cars, leaving Fulton ferry,
Brooklyn, every ten minutes, pass the Park,

# THE BOND FORGERIES.

Another \$100,000 Lost-Rumor that a Large Amount of Andy Roberts' Property Has Been Attached. In the HERALD of Sunday a list was published of

the victims, as far as known, in the recent bond forgeries, aggregating a loss of upwards of \$200,000. One of the wealthiest firms in the city consented One of the weathlest firms in the city consents to inform a reporter of its loss yesterday, viz., Messrs. W. A. Guest & Co., of \$75,000. To this must be added the name of Mr. Cyrus O. Baker, of 15 Wall street, who has been defrauded but of \$25,000. making altogether \$100,000 to be added on to the

making altogether \$100,000 to be added on to the published list. Many of the trust companies refuse to make their losses known. The firm of Guest & Co. Informed a Herald reporter yesterday that the bogus bonds had been purchased through respectable sources, and that they were now in the hands of Assistant District Attorney Alien.

It was reported yesterday that Mr. W. Wirt Hewitt, of Wall street, had attached a very large amount of the ill-gotten gains of Andrew L. Roberts, the millionnaire originator of the gigantic awindle, on behalf of the victims. A Herald reporter paid a visit to the gentleman, but he declined to give any information on the subject, alieging that Assistant District Attorney Alien, who is working in the case night and day, had requested him to give the press no information for the present, touching his knowledge of the bond forgeries, as it might frustrate the designs of justice.

### THE KELSEY CONSPIRATORS.

Arrest of Eight of the Eleven Persons Imp cated by the Coroner's Jury-Things That May Appear Against Royal Sammis and Dr. Banks-The Noises and Marks on the Beach To Be Further Investigated.

HUNTINGTON, L. I., Oct. 28, 1873. Huntington experienced another sensation afternoon, in the arrest of eight of the eleven persons implicated by the verdict of the Coroner's jury in the Kelsey tarring and feathering tragedy. Snortly before two o'clock Coroner Baylis, of Queens county, arrived in the village from Oyster Bay, accompanied by Justice Chipp and Consta Tappan. He had decided to take action at once, having, as he expressed it. waited long enough for the Suffolk county authorities. About the hour of his arrival Sheriff Lewis, of Suffolk, appeared in the village from Riverhe bringing with him thirty writs of suppoena against as many persons, commanding them to appear at Riverhead to-morrow before the Grand Jury of Suffolk county, to be examined in reference such things as shall appear against Royal Sammis and Dr. George B. Banks. This latest move is a mystery to every one here, as the names of the implicated persons appear, and they are the two against whom indictments for riot and assault

plicated persons appear, and they are the two against whom indictments for riot and assault were found last winter. It cannot be a repetition of that charge, because among

THE THIRTY PERSONS SUBPORNARD

are Coroner Baylis, Aaron Jarvis, the old negro who saw the boat and wagon tracks on Lloyd's Beach; Fred Titus, the negro employed by the Sammis family, and who testified concerning Royal Sammis' disguise and oaken club; John Betts, the tailor, who saw five men in drab attire lurking near Mrs. Oakley's house on the night when Kelsev was captured; John Franklin and William Ludlam, the two fishermen who discovered the floating remains in Oyster Bayharbor. These people, as well as the others in the list, know nothing in reference to the charge of riot and assault, and must therefore be summoned to appear against Sammis and Barks on the graver charge, and of course the query arises. Why against these two only, when there are six equally implicated by the verdict, and five sgainst whom a lesser degree of criminality is charged? The arrests were made by Tappan, and the first four persons seemed to tumble into his arms. He was first shown James McKay, who was going up the main street in a wagon. McKay went out of sight Oyk Title Burking Hill.

with the gaunt old constable trudging after him. Meantime a curiously excited crowd had gathered about Duryan's Hotel in the centre of the village, and as the news had spread they waited developments. Presently the constable returned, with John McKay in custody. Presently Dr. Banks, in a light buggy, came down the street, and just as he was crossing New York avenue the hind wheel of his buggy was caught by the pole of a double team coming up the avenue, and the buggy was upset. The Doctor fortunately escaped without injury, and the constable pobled him up. Ten minutes later James McKay returned in his wagon, and the constable pobled him up. Ten minutes later James McKay returned in his wagon, and the constable for a fortunately escaped without injury, and the constable pobled hi

Burgess was leaving the telegraph office to go into his own office next door when Tappan told him HE WAS WANTED.

Most of the others lived further away, and by the aid of a buggy the constable got around so as to get hold of Rudolph Sammis, Wilham J. Wood, Claudius B. Prime and Arthur M. Prime. Rudolph was arrested while shooting quali, and had just raised a flock and given them one barrel. The Primes, father and son, were at work in their thimble factory, and the constable asked if they were going to give him a thimble. "Not by a damned sight," answered Arthur. Royal Sammis was at his place of business in New York, as was also away from home. These complete the list of persons to be arrested. All the parties taken into custody exhibited the utmost good temper, and were not at all surprised. The Coroner originally intended to commit the parties to Mineola fail toniant; but subsequently determined to hold them to appear before him at Oyse Fay in the morning, when he will formally commit each of them. The prisoners will then proceed, upon writs of habeas corpus already prepared, to Jamaica, where an application for their RELEASE UPON EALL is to be heard before County Judge Armstrong, of

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RELEASE UPON EATL
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RELEASE UPON BALL

gueons.

To-night I learn that Arthur T. Hurd went direct from New York to Riverhead to appear before the Grand Jury there as witness in the matter of charges against Banks and Royal Sammis, to which I have alluded above. He was embraced, as was also Rudolph Sammis, in the Sheriff's list of subpenas, and it is supposed was telegraphed to in New York, and appears by courtesy on this notification, though he need not do so until actually served. John Betts is the witness who on Friday, when interrogated at the inquest as to the identity of the live men he saw lying in wait, replied, repeatedly, "Don't ask me such questions." He says he is going to tell all he knows straight now. The Goroner's warrants, on which the arrests were made to-day, were countersigned by Justice William H. Monfort, of this town, so as to give the arrests full legal effect in the event of a quibble on jurisdiction.

# THE PHELPS DEFALCATION.

The Accused Money Clerk Again Before the Police Court-Committed in Default

The examination of the Phelos case in the Police Court, before Justice McNamara, was resumed this Treasurer Raines continued his testimony:--He

said the State money was generally deposited in the Commercial Bank in Albany; some of it was in other Albany banks; they were designated as de-Witness here stated that arrangepositories. ments had been made concerning deposits before ne came into office, to which he objected on taking the office, and had changed with a view to greater security; the deposits were made generally in the Commercial Bank, and thence, by transfer checks, a portion of them in other banks. Witness here produced the pass books kept by Phelps; he had charge of them, and they were in his custody, except when in possession of the banks to be written up; he

the pass books kept by Phelps; he had charge of them, and they were in his custody, except where in possession of the banks to be written up; he said he had examined them to see if the \$15,000 drait had ever been entered in the books to the credit of the State, and jound that it had not, nor does it appear on the deposit tickels.

To Judge Birdseye—My deputy was Dewitt C. Ellis until 1873; since then, Fulton Paul; the money cierk or cashier was Charles H. Phelps; Edwin Ellis was his predecessor; Charles Ellis was book-keeper and Parker Robinson part of the time assistant bookkeeper; the duty of my deputy was to take the general management of the Treasurer's office; he has no power to sign checks; the duty of the money clerk was to receive and enter the moneys received and to pay out money; the salaries of the office are paid out by check, with a responsible warrant from the Comptroller; there was a small amount of currency kept in the office to pay servants; William wood, check clerk, prepares all the checks, and these are countersigned by the Treasurer; the deputy has no authority to sign checks; I have left checks, when absent, signed; all checks have been signed by me; it would have been a violation of the statute for any one else to sign them; with regard to drafts received, such as the one in question, my mistructions have been that they shall receive the endorsement of myself or the Deputy Treasurer; I am not aware that it has been the practice of the office for any one else to endorse these drafts; the transfer referred to in the despatch I received while at Armenia; it was a transfer was finade.

To District Attorney Moak—On the 27th of September I left word with Mr. Wood to have the books of deposit written up, because I found one bank to another, to equalize the deposits; it was not in reference to a transfer of one jund to another; on my return to the city the transfer Was finade.

To District Attorney Moak—On the 27th of September I left word with Mr. Wood to have the books of deposit written up, be

Phelps on Monday, the 29th, on his return to the city.

The District Attorney said that this was all the evidence he desired to submit at this time.

Judge Birdseye said that he did not propose to call any witnesses now.

Justice McNamara said he would fix the bail for the prisoner at \$15,000, with two sureties, and the case was thus disposed of. The prisoner was committed in default of bail, his counsel saying that he stood no more chance of getting bail than of paying the debt of the United States government. If Phelps had given the \$15,000 bail required of him it is said he would have been arrested on six other charges, two of which are for forgery. The District Attorney had already procured warrants for his rearrest. His case will be brought before the Grand Jury early next month.